BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

TERRI RAE JUDD 118 East 300 South Lehi, UT 84043

Registered Nurse License No. 651625

----Respondent--

Case No. 2012-189

OAH No. 2011111062

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 17, 2012.

IT IS SO ORDERED July 17, 2012.

Erin Niemela

Board of Registered Nursing Department of Consumer Affairs

State of California

1	Kamala D. Harris	
2	Attorney General of California DIANN SOKOLOFF	
3	Supervising Deputy Attorney General TIMOTHY J. McDONOUGH	
4	Deputy Attorney General State Bar No. 235850	
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	Attorneys for Complainant	and makes
. 8	BEFORE THE BOARD OF REGISTERED NURSING	
9		CONSUMER AFFAIRS CALIFORNIA
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11	In the Matter of the Accusation Against:	Case No. 2012-189
12	TERRI RAE JUDD 118 East 300 South	OAH No. 2011111062
13	Lehi, Utah 84043	STIPULATED SURRENDER OF LICENSE AND ORDER
14	Registered Nurse License No. 651625	
15	Respondent.	
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18	IT IS HEREBY STIPULATED AND AGREED by and between the parties in this	
19	proceeding that the following matters are true:	
20	PARTIES	
21	1. Louise R. Bailey, M.Ed., RN (Comp	plainant) is the Interim Executive Officer of the
22	Board of Registered Nursing. She brought this action solely in her official capacity and is	
23	represented in this matter by Kamala D. Harris, Attorney General of the State of California, by	
24	Timothy J. McDonough, Deputy Attorney General.	
25	2. Terri Rae Judd (Respondent) is repre	esenting herself in this proceeding and has chosen
26	not to exercise her right to be represented by counsel.	
27	3. On or about January 28, 2005, the Board of Registered Nursing issued Registered	
28	Nurse License No. 651625 to Terri Rae Judd (Re	espondent). The Registered Nurse License was in
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full force and effect at all times relevant to the charges brought in Accusation No. 2012-189 and will expire on July 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2012-189 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 29, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-189 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2012-189. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-189, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 651625 for the Board's formal acceptance.
- 9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

- Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures, shall have the same force and effect as the originals.
- 13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 651625, issued to Respondent Terri Rae Judd, is surrendered and accepted by the Board of Registered Nursing.

- 1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.
- 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-189 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$1,970.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.
- 6. If Respondent should ever apply or re-apply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-189 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

1	7. Respondent shall not apply for licensure or petition for reinstatement for two (2)	
2	years from the effective date of the Board of Registered Nursing's Decision and Order.	
3	ACCEPTANCE	
4	I have carefully read the Stipulated Surrender of License and Order. I understand the	
5	stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulate	
6	Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound	
7	by the Decision and Order of the Board of Registered Nursing.	
8 9 10	DATED: 4/17/2012 IERRI RAE JUDD Respondent	
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12	ENDORSEMENT The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted	
13	for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.	
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15	Dated: 7/23/20/2 Respectfully submitted,	
16	KAMALA D. HARRIS Attorney General of California	
17	DIANN SOKOLOFF Supervising Deputy Attorney General	
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19	TIMOTHY J. McDonough	
20	Deputy Attorney General Attorneys for Complainant	
21	Zittorneys for Companium	
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Exhibit A

Accusation No. 2012-189

KAMALA D. HARRIS Attorney General of California 2 DIANN ŠOKOLOFF Supervising Deputy Attorney General 3 SUSANA A. GONZALES Deputy Attorney General State Bar No. 253027 1515 Clay Street, 20th Floor 5 P.O. Box 70550 Oakland, CA 94612-0550 6 Telephone: (510) 622-2221 Facsimile: (510) 622-2270 Attorneys for Complainant 8 BEFORE THE BOARD OF REGISTERED NURSING 9 DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA 10 Case No. 2012-189 11 In the Matter of the Accusation Against: 12 TERRI RAE JUDD, a.k.a. TERRI RAE WARD. 13 118 East 300 South ACCUSATION Lebi, UT 84043 14 Registered Nurse License No. 651625 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of 21 Consumer Affairs. 22 On or about January 28, 2005, the Board of Registered Nursing issued Registered 23 Nurse License Number 651625 to Terri Rae Judd, also known as Terri Rae Ward (Respondent). 24 The Registered Nurse License was in full force and effect at all times relevant to the charges 25 brought in this Accusation and will expire on July 31, 2012, unless renewed. 26 27 28

Accusation

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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 7. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

- 8. Section 2761 of the Code states:
- "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United

States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code § 2761, subd. (a)(4))

- 10. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about February 2, 2009, in a disciplinary action before the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (Utah Division), Case No. DOPL-2009-19, the Utah Division entered Stipulation and Order (Order) revoking Respondent's registered nurse license. The Order stayed the revocation subject to Respondent's successful completion of five years of probation, subject to various conditions and restrictions. The Order also suspended Respondent's registered nurse license until Respondent submitted to the treatment outlined in the Order, and until the evaluators determined that Respondent's nursing practice would not pose a danger to the public. The Order provided that the period of probation would commence on the date that the Utah Division Director signed an Amended Order lifting the suspension of Respondent's license.
- 11. The conditions and restrictions of probation set forth in the Order required Respondent to: (1) meet with the Utah Board of Nursing (Utah Board) within 30 days of the signing of the Order and thereafter meet with the Utah Board or Division annually or at such other greater or lesser frequency as directed by the Utah Division; (2) within 90 days of the effective date of the Order, successfully complete a chemical dependency evaluation provided by a Utah Division-approved licensed provider; (3) within 10 days of the effective date of the Order,

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contact the Utah Division-approved Rehabilitation Center and schedule an appointment within 45 days of the effective date of the Order; (4) notify the Utah Division immediately after successful completion of the chemical dependency evaluation and cause the evaluation report to be sent to the Utah Division within 90 days of the effective date of the Order; (5) within 90 days of the effective date of the Order, successfully complete a psychological evaluation provided by a Utah Division-approved licensed provider; (6) within 10 days of the effective date of the Order, contact the Utah Division-approved licensed professional and schedule an initial psychological evaluation appointment within 45 days of the effective date of the Order; (7) notify the Utah Division immediately after successful completion of the psychological evaluation and cause the evaluation report to be sent to the Utah Division within 90 days of the effective date of the Order: (8) within 90 days of the effective date of the Order, successfully complete a physical evaluation provided by a Utah Division-approved licensed provider; (9) within 10 days of the effective date of the Order, contact the Utah Division-approved licensed professional and schedule an initial physical evaluation appointment within 45 days of the effective date of the Order; (10) notify the Utah Division immediately after successful completion of the physical evaluation and cause the evaluation report to be sent to the Utah Division within 90 days of the effective date of the Order; (11) successfully complete an intensive drug treatment program and any treatment recommendations as outlined in the evaluations; (12) abstain from the possession or use of alcohol, mood-altering substances, controlled substances, and prescription drugs in any form, unless the controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition; (13) complete all terms and conditions of any criminal sanctions incurred before or during the period of the agreement; (14) unless otherwise approved by the Utah Division, receive prescriptions from only one prescribing practitioner and fill those prescriptions at only one pharmacy; (15) notify the Utah Division within 48 hours of receiving prescriptions from an emergency practitioner or referral practitioner; (16) notify the Utah Division within 48 hours of ingesting any and all medications or controlled substances; (17) provide a copy of the Order to her primary prescribing practitioner; (18) provide samples for drug analysis upon the request of the Utah Division or the designated drug testing company;

(19) for the first 6 months of probation, submit all reports and documentation required by the Order to the Utah Board on a monthly basis; (20) if Respondent is in compliance with the Order after the first 6 months of probation, submit all reports and documentation required by the Order to the Utah Board on a quarterly basis, otherwise continue to submit such reports on a monthly basis; (21) complete and submit self-assessment reports to the Utah Board; (22) participate in all therapy and aftercare as required by the Utah Division and Board; (23) participate in a professional support group to address her use of controlled substances and submit documentation reflecting her continued attendance at such support group meetings; (24) attend a 12-step program, have a sponsor, and submit reports documenting her participation; (25) notify each employer of the restricted status of her registered nurse license and the terms of the Order; (26) cause her employer to submit performance evaluations to the Utah Board; (27) restrict her practice to duties and surroundings that do not allow her access to, or require her to account for controlled substances; (28) provide a copy of the Order to her employer or school or nursing; (29) not work for a nursing registry, traveling nurse agency, nurse float pool, home health agency, temporary employment agency, school of nursing, or any other practice setting in which nursing supervision is unavailable; (30) practice only under the on-site supervision of a nurse in good standing with the Utah Division; (31) not contact by telephone or otherwise any pharmacy or drug supplier for the purposes of filling a prescription order; (32) notify the Utah Board if she does not practice as a nurse for a period of 60 days or longer; (33) not practice in any other state that is a party to the Nurse Licensure Compact without prior authorization from such other party state; (34) notify the Utah Board in writing within 1 week of any change of employer, employment status, or practice status; (35) notify the Utah Division and Utah Board in writing if she leaves the State of Utah for a period longer than 60 days and indicate the dates of her departure and return; (36) cause the Utah Division or Utah Board to be notified immediately if she is arrested or charged with a criminal offense by any law enforcement agency in any jurisdiction, or if she is admitted as a patient to any institution in Utah or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological

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disorder; (37) maintain a current license at all times during the period of the Order; and (38) immediately notify the Utah Division of any change in residential or business address.

- 12. The underlying conduct supporting the Utah Board's disciplinary action is that on or about November 6, 2007, Respondent was arrested on suspicion of driving under the influence in Pittsburgh, Pennsylvania. Respondent failed to appear in court on November 15, 2007, and a warrant was issued for her arrest. On or about March 22, 2008, Respondent was issued a citation by Lehi police for public intoxication, disorderly conduct, and abuse of emergency services. On or about April 24, 2008. Respondent was issued a citation by Lehi police for having an open container of alcohol in a vehicle, violating an ignition interlock restriction, and driving on a revoked license. Respondent failed to appear in court on July 30, 2008, for the two incidents described above. Two warrants for Respondent's arrest were issued by Lehi Justice Court based upon her failure to appear. On or about December 15, 2008, in Lehi Justice Court, Respondent pled guilty to one count of failure to appear, one count of public intoxication, and one count of disorderly conduct, all Class C misdemeanors. Respondent pled "no contest" to one count of driving without a license and one count of violating an ignition interlock restriction. On or about December 11, 2008, Respondent told Utah Division investigators that she had had an alcohol abuse problem for the previous couple of years. Respondent admitted that she engaged in the use of intoxicants, drugs, narcotics, or similar chemicals to the extent that her conduct might reasonably be considered to impair her ability to practice safely as a nurse.
- 13. On or about October 2, 2010, the Utah Division entered an Amended Order terminating the suspension of Respondent's Utah registered nurse license and placing Respondent's registered nurse license on probation for five years, subject to the conditions and restrictions identified in the Utah Division's February 2, 2009 Order as set forth above in paragraphs 9 and 10.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

- 14. Complainant hereby realleges the allegations contained in paragraphs 9 through 12 above, and incorporates them as if fully set forth.
- 15. Respondent has subjected her registered nurse license to disciplinary action under Code 2761, subdivision (a)(4), in that on or about February 14, 2011, in a disciplinary action before the Utah Division, Case No. DOPL 2011-55, the Utah Division entered a Surrender Stipulation and Order (Surrender Order) approving of Respondent's surrender of her license to practice as a registered nurse in the State of Utah.
- 16. The underlying conduct supporting the Utah Division's Surrender Order is that on or about January 29, 2009, Respondent voluntarily entered into the Stipulation and Order described above in paragraphs 9 through 11. The Utah Division approved the Order on February 2, 2009. In February 2011, Respondent informed the Utah Division staff that she was unable to comply with the terms of the February 2, 2009 Order, and that she desired to surrender her license to practice as a registered nurse in the State of Utah, along with all residual rights pertaining to her license.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 651625, issued to Terri Rae Judd, also known as Terri Rae Ward;
- 2. Ordering Terri Rae Judd, also known as Terri Rae Ward to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

1	3. Taking such other and further action as deemed necessary and proper.
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4	DATED: September 29, 2011 Louise R. Bailey
5	I '' COMPRESE RAILEY MED EN D
6	Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California
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